

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

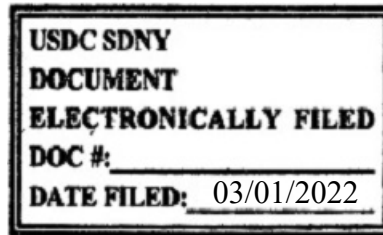
TOMAS GABRIEL CALEL and CARLOS
GEOVANY PONCIO ZARATE, *on behalf of
themselves, FLSA Collective Plaintiffs, and
the Class,*

Plaintiffs,

-against-

SITE 25 RESTAURANT CONCEPTS, LLC
d/b/a WEI WEST, et al.,

Defendants.



21-CV-8692 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On February 23, 2022, defendant Site 25 Restaurant Concepts, LLC d/b/a Wei West (Site 25) filed a suggestion of bankruptcy in this action. (Dkt. No. 31.) Pursuant to 11 U.S.C. § 362, this action is therefore automatically stayed as against Site 25. That same day, counsel for both defendants filed a letter-motion (Dkt. No. 32), seeking a stay of the action as to the non-debtor defendant, Alan Phillips, on the basis that an automatic stay can apply to non-debtors when the claim "will have an immediate adverse economic consequence for the debtor's estate." *Queenie, Ltd. v. Nygard Int'l*, 321 F.3d 282, 287 (2d Cir. 2003). Plaintiffs' counsel did not respond to the letter-motion, which is thus unopposed.

It is hereby ORDERED that this action is STAYED. **No later than May 31, 2022, and every 3 months thereafter (e.g., August 31, 2022, November 30, 2022, February 28, 2023, etc.),** defendants shall file a letter apprising the Court of the status of the bankruptcy and whether the stay as against both defendants should be maintained.

Dated: New York, New York
March 1, 2022

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge